IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WP(C).No. 11165 of 2007(D)

PETITIONER:

P.G.PRAKASH LAL, S/O.P.K.GOVINDAN,
AGED 56 YEARS, PULLAPPALLIL HOUSE,
VELOOR P.O., KOTTAYAM.

BY ADV. SRI.R.MURALEEDHARAN PILLAI
SRI.P.V.LONACHAN

RESPONDENTS:

---

1. THE SUPERINTENDENT OF POLICE,
DISTRICT POLICE OFFICE, KOTTAYAM.

2. THE ACCOUNTANT GENERAL (A & E) OF
KERALA, OFFICE OF THE ACCOUNTANT GENERAL,
THIRUVANANTHAPURAM.

3. KUNNATHU KALATHIL FINANCIERS,
MARKET ROAD, KOTTAYAM, REPRESENTED BY ITS
MANAGING PARTNER, K.V.VISWANATHAN, KUNNATHU
KALATHIL HOUSE, KUMARAKOM, KOTTAYAM.

4. THE SUB TREASURY OFFICER,
SUB TREASURY, KOTTAYAM.

BY ADV. SRI.ABRAHAM GEORGE JACOB
GOVT. PLEADER SRI.P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 11165 OF 2007 APPENDIX

Ext.P1: True copy of communication of the 2nd respondent to the 1st respondent dated 29-11-2006

Ext.P2:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 11165 OF 2007-D

JUDGMENT

The petitioner retired from service on 30.11.2006. So far, the D.C.R.G due to him has not been released. According to the petitioner, the reason for the same is Ext.P5 order passed by the Munsiff's Court, Kottayam, attaching his salary. He submits, since he has already retired, the said attachment order cannot be pressed into service. Therefore, the petitioner prays for releasing the D.C.R.G due to him.

2. The learned Government Pleader submitted that the 1st respondent has already apprised the court that no amount could be recovered from the salary of the petitioner, as he has already retired. The learned Government Pleader also pointed out that the petitioner owes amounts to two co-operative societies. That is the reason for not issuing the No Liability Certificate.

3. The learned counsel for the 3rd respondent submitted that if Ext.P5 stands in the way of the petitioner getting the D.C.R.G., he should have moved the concerned court for vacating or modifying that order.

4. Relying on Ext.P5, the D.C.R.G due to the petitioner cannot be

withheld, as the said order does not cover the same. So, after deducting the liability due to the District Police Co-operative Society, Kottayam and Kottayam Urban Co-operative Bank Limited, the petitioner is entitled to get the balance amount towards D.C.R.G. Therefore, the 1st respondent is directed to issue liability certificate to the 4th respondent, showing the aforementioned liabilities, so that the petitioner can draw the balance D.C.R.G due to him. But, this direction will not affect the rights of the 3rd respondent to move for attaching the D.C.R.G amount , if the same is legally permissible and the power of the civil court to pass appropriate orders.

The Writ Petition is disposed of as above.

5th June, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/